

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHRISTOS SOUROVELIS, et al.,	:	CIVIL ACTION
	:	No. 14-4687
Plaintiffs,	:	
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this **30th** day of **April, 2019**, upon consideration of "Plaintiffs' Uncontested Motion and Memorandum in Support of Preliminary Approval of Class Certification and Consent Decree on Plaintiff's Fifth and Sixth Claims for Relief" and "Plaintiffs' Uncontested Motion and Memorandum in Support of Preliminary Approval of Class Certification and Consent Decree on Plaintiff's Fifth and Sixth Claims for Relief" (ECF Nos. 252 & 253), and after a October 16, 2018 hearing and various post-hearing discussions, it is hereby **ORDERED** that the motions are **GRANTED**.

It is hereby further **ORDERED** that:

1. The Court preliminarily certifies the following settlement classes as they appear to meet the requirements of Fed. R. Civ. P. 23(a), as well as (b)(2) (for the injunctive claims) and (b)(3) and the Third Circuit's ascertainability requirement (for the monetary claims).

a. For purposes of the Third, Fourth, and Seventh Claims for Relief in the Second Amended Complaint (the "First Injunctive Class"), the settlement class shall consist of:

All persons holding legal title to or otherwise having a legal interest in real or personal property: (i) which was the subject of civil-forfeiture or return-of-property proceedings as of August 11, 2012; or (ii) which had been seized on or after August 11, 2012; or (iii) which was or will be the subject of a forfeiture petition or a return-of-property, or related proceeding in the Court of Common Pleas of Philadelphia County on or after August 11, 2012.

b. For purposes of the injunctive portion of the Sixth Claim for Relief in the Second Amended Complaint (the "Second Injunctive Class"), the settlement class shall consist of:

All persons receiving a notice directing them to appear in, or who appeared in, Courtroom 478 for forfeiture, return-of-property, or related proceedings from August 11, 2012 until January 6, 2016.

c. For purposes of Fifth and Sixth Claims for Relief seeking monetary restitution (the "Restitutionary Class"):

All persons who held or hold legal title to, or otherwise had or have a legal interest in property against which a Statutory or Common Law civil-forfeiture petition (i) was pending in the Court of Common Pleas of Philadelphia County as of August 11, 2012; or (ii) was filed in the Court of Common Pleas of Philadelphia County on or after August 11, 2012 until the date the Court grants preliminary approval.

2. The Court preliminarily approves the proposed Consent Decrees as amended because, after considering the factors described in In re Prudential Ins. Co. America Sales Practice Litig. Agent Actions, 148 F.3d 283, 323 (3d Cir. 1998) and Girsh v. Jepson, 521 F.2d 153, 156 (3d Cir. 1975), the Court concludes

that the Consent Decrees facially appear to be fair, reasonable, and adequate under Fed. R. Civ. P. 23(e) (2).

3. Upon consideration of the factors in Fed. R. Civ. P. 23(g), the Court appoints the Institute for Justice and David Rudovsky, Esq. of Kairys, Rudovsky, Messing, Feinberg & Lin as Class Counsel.

4. The Court appoints Plaintiffs Christos Sourovelis, Doila Welch, Norys Hernandez, and Nassir Geiger as representative of the settlement classes.

5. The Court approves the notice plan, including the proposed form of notice (ECF No. 271-1), and finds that it is reasonable and adequate and meets the requirements of Fed. R. Civ. P. 23(c) (2) and (e).

6. The Court directs the Defendants to provide notice to all class members substantially in the form shown in ECF No. 271-1 and in the manner described in the Consent Decrees by **May 23, 2019**.

7. Restitutionary Class Members shall submit their claim forms to the Claims Administrator by **August 26, 2019**.

8. Members of the Injunctive Classes shall submit any objections to the applicable Consent Decree¹, and members of the Restitutionary Class shall submit any objections to the applicable

¹ Class members may not opt-out of the two Injunctive Classes.

Consent Decree or request exclusion from the Restitutionary Class and the terms of the Consent Decree by **August 26, 2019**.

9. If an objecting Class Member wishes to be heard at the Final Fairness Hearing (see ¶ 11), he or she must: file with the Court a notice of his or her intention to appear; submit documentary proof that he or she is a member of the class; state the basis for his or her objections; and serve copies of the foregoing papers upon counsel for the parties, as directed in the Class Notice by **September 10, 2019**.

10. The motion for final approval of the Consent Decrees and any papers the parties wish to submit in support of final approval of the Consent Decrees shall be filed with the Court by **October 11, 2019**.

11. The Court will hold a final fairness hearing on **Friday, November 1, 2019 at 9:00 a.m. in Courtroom 15A, U.S. Courthouse, 601 Market Street, Philadelphia, PA** to consider the propriety of final settlement approval in light of any written objections, opt-outs, or requests to be heard.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.